

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 976  
Before the Urban Affairs Committee  
Nebraska Legislature  
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Good afternoon Senator Wayne and members of the committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director at Disability Rights Nebraska. We are the designated Protection and Advocacy organization for persons with disabilities in Nebraska, and I am here today in support of LB 976.

LB 976 is important. Currently Nebraska recognizes persons with visual or physical conditions that “impair their mobility resulting in an inability to travel more than two hundred (200) feet without stopping or without the use of a wheelchair, crutch, walker, prosthetic, orthotic or other assistant device” as needing or allowed to have a disability parking permit. However, for those individuals with a neurological impairment (and/or their families) that limits mobility to the same extent, it is uncertain whether they would meet the criteria for the same parking permit privilege. Nebraska easily recognizes the difficulties that visual impairment, physical disability, or other health conditions place on the ability of an individual to access their community—grocery store, library, retail shops, etc.—and makes parking accommodations to make access easier and inviting. The same should be done for persons with neurological conditions which similarly limit

their access to the community. The crux of the matter is not the disability *type*, but the mobility *impairment*.

Autism (as well as other neurological conditions) can affect motor skills and coordination<sup>1</sup>, and the condition can manifest in behaviors that can pose significant mobility challenges to the individual, parent, caretaker, or others assisting in transferring from a vehicle to the storefront; these difficulties are magnified (and can present a safety issue) if individuals are required to walk a distance through a parking lot or on the street.

LB 976 is needed. The bill squarely addresses a glaring omission in Nebraska's criteria for granting a disability parking permit. The bill would harmonize language and intent with our surrounding states (except Minnesota). I have included with my testimony a handout of surrounding states (plus a few extra) and their criteria for disability parking permits—they all include neurological disorders. The bill also harmonizes language with federal regulations of the Department of Transportation 23 CFR §1235.2<sup>2</sup> used to provide guidelines to states for uniform disability parking systems:

“§ 1235.2 Definitions. Terms used in this part are defined as follows:

- (a) International Symbol of Access means the symbol adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.
- (b) Persons with disabilities which limit or impair the ability to walk means persons who, as determined by a licensed physician:
  - (1) Cannot walk two hundred feet without stopping to rest; or

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<sup>1</sup> See Kindegran D. et al (2015) “ Gait Deviations in Children with Autism Spectrum Disorders: A Review”, *Autism Research and Treatment*, April, <https://www.hindawi.com/journals/aurt/2015/741480/>. “In more recent years, Ghaziuddin and Butler found that children with ASD demonstrated poorer coordination than those with Asperger's disorder. Many studies have subsequently examined motor coordination in children with ASD and a recent review, by Fournier et al., provided further evidence that children diagnosed with ASD may be 'less coordinated and show fewer motor capabilities'. This may therefore suggest that gait disturbances may be common among children with ASD.”

<sup>2</sup> See <https://www.law.cornell.edu/cfr/text/23/1235.1> “§ 1235.1 Purpose. The purpose of this part is to provide guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities to enhance access and the safety of persons with disabilities which limit or impair the ability to walk” and definitions in § 1235.2 <https://www.law.cornell.edu/cfr/text/23/1235.2>.

- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
- (3) Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
- (4) Use portable oxygen; or
- (5) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- (6) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition."**

Ultimately, LB 976 makes it easier for people with mobility-limiting neurological conditions to access and participate in their communities.

Disability Rights Nebraska recommends this committee advance the bill.